

Docket No.: 215055.0701
Customer No. 27160

PATENT
 Serial No. 09/363,748

REMARKS

Claims 39, 43, 44, 46 - 49 are active in the subject application. Undersigned counsel thanks Examiner Crane for the interview on March 28, 2003, summarized below.

At the interview, Examiner Crane took the position that an Request for Continuing Examination should be filed to have the new claims considered because the previous search was directed to claims covering the treating a cognitive disease rather than general method for enhancing memory. Accordingly, this case has been refile along with a RCE.

The Examiner questioned whether the phrase "a uridine phosphate" was definite with respect to the location of the phosphate groups. The Wurtman Rule 132 Declaration, submitted herewith, establishes that a person of skill in the art would understand this language as referring to the naturally occurring 5'- mono-, di- and tri -phosphates (see, paragraphs 2 - 3). This opinion is supported by citations to the Merck Index pp. 1684 - 1685 and various pages from Volume LI of Methods in Enzymology, Hoffee & Jones ed., both of which are submitted herewith.

The Wurtman declaration also shows that uridine monophosphate enhances memory *in vivo*, in rats according to the art-recognized Morris Water Maze assay (see, paragraphs 4 - 6).

Further evidence supporting the efficacy of the claimed method is seen by the percent increase in gerbil brain of UMP, CTP and CDP-choline after oral administration of UMP (Wurtman Declaration, para. 7 - 12).

CONCLUSION

In view of the forgoing remarks and data in the Wurtman Declaration under 37 CFR 1.132, the claims are now in condition for allowance. Early notification of such action is solicited.

If the Examiner believes there is any issue which could be resolved by a telephone or personal interview, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

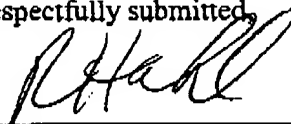
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AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for this Response, or credit any overpayment to Deposit Account No. 50-0436. In the event that an extension of time is required, or may be required in addition to that requested in a petition for an extension of time, the Commissioner is hereby requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-1710.

Respectfully submitted,



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Date: September 22, 2003